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**OFFICE OF PETITIONS
AND PATENTS**

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In re Application of	:	
Darrell R. Anderson	:	REQUIREMENT FOR INFORMATION
Application No. 08/487,550	:	RE PETITION UNDER 37 CFR
Filed: June 7, 1995	:	1.48(a)
Attorney Docket No. 012712-131	:	

This is in response to a petition under 37 CFR 1.48(a) filed November 21, 1995, requesting that the name of the inventor in the application be corrected. The petition is being decided by the undersigned rather than in the examining group so that application processing, including the issuance of a filing receipt, may proceed with the actual inventor being named in the application.

The petition under § 1.48(a) to correct the inventorship cannot be granted at this time.

Applicant is given TWO MONTHS from the date of mailing of this Requirement for Information to correct the deficiency noted below (a supplemental oath or declaration referring to the alterations in the November 21, 1995 § 1.63 declaration or a new § 1.63 declaration, and a certification under 37 CFR 3.73(b)). Failure to respond completely to the Requirement will result in abandonment of the application. The time for response, however, may be extended by compliance with the provisions of 37 CFR 1.136(a).

The instant application was filed on June 7, 1995, pursuant to 37 CFR 1.53(b) without an executed oath or declaration under 37 CFR 1.63 and named as the inventor: Darrell R. Anderson.

The Initial Patent Examination Division of the Office of Initial Patent Examination mailed a Notice to File Missing Parts of Application under 37 CFR 1.53(b) on August 23, 1995, requiring an oath or declaration in compliance with 37 CFR 1.63 and a surcharge for its late submission.

In response to the Notice to File Missing Parts of Application, applicants timely filed on November 21, 1995 (with a petition and fee for a two month extension of time under 37 CFR 1.136(a)),

inter alia, the instant \$ 1.48(a) petition and fee, a small entity statement, the surcharge, a combined Declaration under 37 CFR 1.63 and Power of Attorney, a verified statement of facts by the original named inventor and patent counsel and a written consent of assignee.

A fee of \$10 (the difference between the small entity basic filing fee of \$365 prior to October 1, 1995 and the small entity basic filing fee of \$375 on November 21, 1995, the date on which the small entity statement was filed) will be charged to Deposit Account No. 02-4800 as authorized on page 2 of the June 7, 1995 transmittal.

The petition and verified statement of facts state that an error occurred in failing to name Peter Brams, Nabil Hanna and Bill Shestowsky as inventors, that a draft application was forwarded to Anderson on or about June 4, 1995 for review, that Anderson reviewed the draft but did not discuss inventorship with the patent attorney, that the patent attorney tried but was unable to reach Anderson on June 7, 1995, the date on which the application was filed, to confirm inventorship, and that the application was filed listing Anderson as the sole inventor, based on the facts known to applicant's patent attorney at that time, and that the error was discovered after the application was filed.

The written consent of assignee does not comply with 37 CFR 3.73(b) Establishing right of assignee to prosecute, which requires documentary evidence of the chain of title (the November 21, 1995 Assignment to be recorded, currently of record in the file), a statement specifying that the evidentiary document has been reviewed and a certification that title is in the purported assignee. MPEP 324. A copy of an appropriate \$ 3.73(b) certification is attached.

Further, the November 21, 1995 declaration under 37 CFR 1.63 is defective in that it contains an uninitialed, undated alteration (see 37 CFR 1.52(c)) in the Shestowsky citizenship. It is unclear whether this alteration was made before or after execution. A substitute declaration or a supplemental oath or declaration referring to the alteration in the November 21, 1995 declaration is required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

By FAX: (703) 308-6916
Attn: Special Program Law Office

By hand: One Crystal Park, Suite 520
2011 Crystal Drive
Arlington, VA

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 305-9176.



Jennifer Bahr
Primary Examiner/Detailee
Office of Petitions
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects

Attachment: § 3.73(b) certificate